

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460



OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Keith C. Jablonski
O'Reilly Rancilio P.C.
12900 Hall Road
Suite 350
Sterling Heights, MI 48313

RE: Response to Freedom of Information Request: EPA-HQ-2016-000746

Dear Mr. Jablonski:

This letter is in response to a subpoena signed by you on October 1, 2015, directed to Carol A. Paszkiewicz for the production of documents created in connection with an investigation of Ferguson Enterprises, Inc. In accordance with a letter to you dated October 27, 2015, from the Environmental Protection Agency's (EPA) Office of General Counsel, this subpoena is being treated as a Freedom of Information Act (FOIA) request under EPA regulations at 40 C.F.R. § 2.405.

Some portions of these records have been redacted and others have been withheld in their entirety by virtue of the following FOIA exemptions: 5 U.S.C. § 552(b)(5), which exempts from disclosure documents which would be privileged in civil litigation; 5 U.S.C. § 552(b)(7)(C), which exempts from disclosure records or information compiled for law enforcement purposes that could cause an unwarranted invasion of personal privacy; and 5 U.S.C. § 552(b)(6) which exempts from disclosure information about individuals in personnel and similar files when disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The cost for processing this FOIA request is \$334.00.

If you are not satisfied with my action on this request, you may submit a written appeal to the National Freedom of Information Officer, FOIA and Privacy Branch (2822T), United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 (U.S. Postal Service Only), or by fax: (202) 566-2147, or by email hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004.

Your appeal must be in writing and submitted no later than 30 calendar days from the date of this letter. The agency will not consider appeals received after the 30 calendar day limit. The appeal letter should

clearly identify the determination being appealed including the assigned FOIA request number shown above. For quickest possible handling, both the appeal letter and its envelope should be clearly marked "Freedom of Information Act Appeal."

Should you have additional questions regarding this response, please contact Ms. Nancy Parkinson of my staff via e-mail at parkinson.nancy@epa.gov or by telephone at (202) 564-2543.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Fisher". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael R. Fisher, Director
Legal Counsel Division
Office of Criminal Enforcement,
Forensics and Training

Enclosures

cc: National Freedom of Information Officer
FOIA and Privacy Branch (2822T)